

# **EXHIBIT H**

## **Affidavit**



attacks upon the United States on September 11, 2001 (the “9/11 Terrorist Attacks”). The Non-Sovereign Defendants listed in Exhibit B have been sued in this action based on their participation in, and material support for, acts of international terrorism against the United States, its nationals and allies, of which the 9/11 Terrorist Attacks were a direct, intended and foreseeable result.

4. Jurisdiction arises pursuant to 28 U.S.C. §§ 1330(a), 1331 and 1332(a)(2) and 18 U.S.C. § 2388. Jurisdiction also arises based on defendants’ violations of 28 U.S.C. §§ 1605(a)(5) and (a)(7) (the Foreign Sovereign Immunities Act), 28 U.S.C. §1350 (“Alien Tort Act”), the Torture Victim Protection Act, PL 102-256, 106 Stat. 73 (reprinted at 28 U.S.C.A. §1350 note (West 1993)), and 18 U.S.C. §2333.

5. Plaintiffs commenced this action in the United States District Court, District of Columbia, by filing a Complaint on February 19, 2002 under docket number 1:02-cv-00305-JR. By Order dated May 9, 2002, the Honorable James Robertson permitted Plaintiffs to serve the Non-Sovereign Defendants by publication, and Plaintiffs perfected service by publication as set forth in their Affidavit of Service of Original Process Upon All Defendants which was filed in the U.S.D.C., District of Columbia on November 1, 2002. See Exhibit D attached to Plaintiffs Motion for Entry of Judgment by Default.

6. The Non-Sovereign Defendants have failed to answer or otherwise defend against this action, and the time for these defendants to answer or otherwise defend against this action has long since expired. The clerk has made a notation of the Non-Sovereign Defendants’ default. See Exhibit G attached to Plaintiffs’ Motion for Entry of Judgment by Default.

7. I certify that the Non-Sovereign Defendants are not infants, incompetent persons or in service as members of the United States military.

8. The *Havlish* Plaintiffs listed in Exhibit A to Plaintiffs' Motion for Entry of Judgment by Default have suffered personal injuries and/or represent the Estates of those who suffered personal injuries, death and other injuries as a result of the 9/11 Terrorist Attacks.


9. This action seeks judgment for unliquidated damages in an amount to be determined by the Court, for personal injuries and deaths suffered by the victims of the 9/11 Terrorist Attacks, which amount is justly due and owing, and no part of which has been paid.

10. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

WHEREFORE, the Plaintiffs in *Havlish, et al. . bin-Laden, et al.*, 03-cv-9848, 03 MDL 1570 (originally filed in the U.S.D.C., District of Columbia under docket number 02-cv-00305), and specifically the individuals listed in Exhibit A attached to Plaintiffs' Motion, respectfully request the entry of Judgment by Default against the Non-Sovereign Defendants, and a hearing before the Court to establish the aggregate value of the *Havlish* Plaintiffs' unliquidated damages.

  
Stephen A. Corr, Esquire  
Pa. Bar No.: 65266  
MELLON, WEBSTER & SHELLEY  
87 N. Broad Street  
Doylestown, PA 18901  
(215) 348-7700  
[scorr@mellonwebster.com](mailto:scorr@mellonwebster.com)

Sworn to and subscribed before me  
this 29<sup>th</sup> day of August, 2008

  
Notary Public  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Maria A. Faunce, Notary Public  
Doylestown Boro, Bucks County  
My Commission Expires Feb. 22, 2011  
Member, Pennsylvania Association of Notaries